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9 Attorneys for Timothy H. Shaffer, Chapter 11 Trustee

10 **UNITED STATES BANKRUPTCY COURT**

11 **DISTRICT OF ARIZONA**

12 In re:

13 POTENTIAL DYNAMIX, LLC,

14 Debtor.

15 TIMOTHY H. SHAFFER, Chapter 11 Trustee,

16 Plaintiff,

17 vs.

18 AMAZON SERVICES LLC,

19 Defendant.

Case No. 2-11-bk-28944-DPC

CHAPTER 11

Adv. No. 2-13-ap-00799

**EX PARTE MOTION TO FILE UNDER
SEAL THE DECLARATION OF STEPHEN
A. ASHWORTH IN SUPPORT OF
RESPONSE TO MOTION FOR PARTIAL
SUMMARY JUDGMENT AND SEPARATE
STATEMENT OF FACTS**

DATE: July 8, 2015

TIME: 10:00 a.m.

LOCATION: 230 North First Avenue

Phoenix, Arizona

Courtroom 603, 6th Floor

20 Timothy H. Shaffer, the Chapter 11 Trustee in these proceedings (the "**Trustee**"), respectfully
21 files this motion for an order authorizing the Trustee to file under seal the Declaration of Stephen A.
22 Ashworth (the "**Ashworth Declaration**"), which supports the Trustee's *Response to Motion for Partial*
23 *Summary Judgment and Separate Statement of Facts in Support of Response to Motion for Summary*
24 *Judgment*. The Ashworth Declaration may contain confidential information pursuant to the *Agreed*
25 *Protective Order* (the "**Protective Order**") [DE 316] entered by the Court on July 2, 2013. Pursuant to
26 the Protective Order, all "confidential information," as defined therein, must be filed under seal pursuant
to Rule 5.6, Local Rules of the Arizona District Court. The Protective Order further provides that this
Motion may be filed on an *ex parte* basis, and upon shortened notice, and that no opposition to the

1 Motion will be filed. In an abundance of caution, the Trustee requests authority to file the entire
2 Ashworth Declaration under seal pursuant to the Protective Order. A form of order approving this
3 motion has been lodged with the Court.

4 DATED this 23rd day of June, 2015.

5 SCHIAN WALKER, P.L.C.

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7 By /s/ SCOTT R. GOLDBERG, #015082
8 Dale C. Schian
9 Scott R. Goldberg
Attorneys for the Trustee

10 COPY of the foregoing
11 e-mailed this 23rd day
of June, 2015, to:

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19 /s/ DEBBI STEPHENS
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